

ORDER NO. 006-08

AN ORDER OF THE BOARD OF DIRECTORS OF THE WOODLANDS TOWNSHIP ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF WATERWAY SQUARE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, as amended by Senate Bill 1353, Acts of the 79th Legislature, Regular Session, 2005 (the "Act"), the Board of Directors (the "Board") of The Woodlands Township (the Township), as successor by name change to Town Center Improvement District of Montgomery County, Texas, is authorized to regulate the private or public use of the Township's facilities, to provide for the safe and orderly use thereof; and

WHEREAS, the Township will in the foreseeable future undertake to own and operate a public plaza known as "Waterway Square"; and

WHEREAS, in accordance with the authority granted by the Act, the Board hereby finds and determines that the adoption of rules and regulations governing the use of Waterway Square is necessary and appropriate, and will promote the safe and orderly use of such facility; NOW THEREFORE,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE WOODLANDS TOWNSHIP, TEXAS, THAT:

SECTION 1. The facts and matters set forth in the preamble of this Order are hereby found to be true and correct.

SECTION 2. The Board of Directors of The Woodlands Township hereby adopts and promulgates the following rules:

- A. **Definitions.** For the purposes of this Order or the rules adopted hereby, these rules, the following words, terms and phrases shall have the meanings ascribed thereto, unless the context clearly indicates otherwise:
 - i. **Township** shall mean The Woodlands Township.
 - ii. **Waterway Square** shall mean that portion of the Waterway Square development within the Township more particularly described and depicted on Exhibit "A" attached hereto and for all things made a part hereof.
- B. **Injuring, defacing, removing, etc., property generally.** It shall be unlawful for any person to remove, destroy, mutilate, mark, disfigure, injure, or deface any structure, monument, statue, fountain, wall, fence, railing, vehicle, bench,

or other property within Waterway Square. It shall likewise be unlawful for any person to remove, destroy, damage, mark, cut, break, or disfigure any tree, shrubbery, flower, or any other plant within or on Waterway Square.

- C. **Littering.** It shall be unlawful for any person to discard glass, paper, boxes, cans, dirt, rubbish, waste, garbage, or other forms of refuse within Waterway Square in any place other than a Township designated receptacle.
- D. **Hunting, molesting, etc., of animals.** It shall be unlawful for any person to hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, injure, or throw any stone, object, or missile of any kind at any animal within Waterway Square, unless specifically authorized by the Township for maintenance or public health and safety purposes.
- E. **Possession or discharge of weapons prohibited.** Except as otherwise specifically authorized by law, it shall be unlawful for any person to carry or possess any firearm of any description, or any air rifle, spring gun, bow and arrow, sling, or any other form of weapon potentially harmful to wildlife or dangerous to humans, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device, within Waterway Square. It shall further be unlawful to discharge any firearm within Waterway Square, or to discharge any firearm into Waterway Square from areas beyond its boundaries, unless by duly authorized peace officers in the lawful exercise of their duties.
- F. **Hours of Operation.** Waterway Square shall be closed from 11:00 p.m. until 6:00 a.m., provided however, that such use hours may be reduced or extended by the Township for permitted special events, or when deemed appropriate by the Township because of special events or activities in other area venues. It shall be unlawful for any person to be within Waterway Square during hours that Waterway Square is closed; provided however, that the use of paved tramways or parkways for transit or recreational purposes shall be permitted at 4:00 a.m.
- G. **Bicycles, skates, and skateboards; motor vehicles.** It shall be unlawful for any person to ride or use a bicycle, roller-skate, or skateboard within Waterway Square other than on a vehicular road or path designated for that purpose. Bicyclists, skaters, and skateboards shall at all times operate same with reasonable regard for the safety of others. It shall be unlawful for any person to operate a motor vehicle within Waterway Square unless specifically authorized to do so by the Township.
- H. **Fireworks and explosives.** It shall be unlawful for any person to bring or have in his/her possession, or set off, or otherwise cause to explode, discharge, or burn, within Waterway Square, any firecracker, torpedo, rocket, or other fireworks or explosive except as specifically authorized by the Township.

- I. **Fires.** It shall be unlawful for any person to build, or attempt to build, a fire within Waterway Square except in areas designated by the Township for such purpose. It shall further be unlawful for any person to drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, hot embers or coals, or any other similar material that could ignite a fire when placed in contact with a flammable material, except as authorized in this Section.
- J. **Sound-producing devices.** Except in the case of special events produced by the Township, it shall be unlawful for any person to use, operate, or allow to be used or operated any device for the reproduction or augmentation of sound in such manner as to disturb the peace, quiet, or comfort of persons within Waterway Square. The operation of any such sound-reproducing or augmentation device in such manner as to be plainly audible at a distance of one hundred feet (100') or more from the source of the sound shall be prima facie evidence of a violation of this Section. For the sound to be "plainly audible," words or phrases need not be distinguishable and bass reverberations are sufficient. This prohibition may be waived pursuant to a special event permit issued by the Township if the event normally includes sound production such as concerts, fireworks displays, etc.
- K. **Boating, swimming, and wading.** It shall be unlawful for any person to boat, swim, wade, or canoe in or upon any pond or other waterway within Waterway Square except in areas specifically designated for such purpose.
- L. **Camping.** It shall be unlawful for any person to camp within Waterway Square except in areas specifically designated for such purpose.
- M. **Vending and peddling.** It shall be unlawful for any person to expose or offer for sale any article, good or service, or to station or place any stand, cart, kiosk, or vehicle for the transportation, sale, or display of any such article, good or service, or to announce, advertise, or call the public's attention in any way to any article, good or service for sale or hire, within Waterway Square, unless such person is operating as a duly licensed concessionaire, pursuant to and under the authority and regulation of the Township.
- N. **Signs.** It shall be unlawful for any person to paste, glue, tack, or otherwise post any sign, placard, advertisement or inscription whatsoever within Waterway Square, except for identification signs of duly licensed concessionaires, and then only pursuant to and under the authority and regulation of the Township.
- O. **Animals.** It shall be unlawful for any person to cause or permit any wild or dangerous animal, or breed of animal that traditionally displays vicious tendencies, to be within Waterway Square, or to cause or permit any domestic pet to be within Waterway Square unless such domestic pet is securely leashed or under the immediate control of the owner or possessor thereof. Provided further, it shall be unlawful for any person to fail to immediately remove any


feces deposited within Waterway Square by a domestic pet that is under the control or possession of such person.

- P. **Consumption of alcohol near designated children's use areas.** It shall be unlawful for any person to consume any alcoholic beverage within any area of Waterway Square designated by the Township as a "Children's Use" area.
- Q. **Grounds reserved for general public.** Except pursuant to special events permits, no area of Waterway Square shall be reserved or used for organized events, such as sports league games or practices, concerts, weddings, family reunions or group meetings, or any other similar function that would substantially impede access to or use of Waterway Square by members of the general public, except pursuant to special events permits approved and issued by the Township.
- R. **Penalty.** Any person found guilty of an offense hereunder shall be subject to a fine in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

SECTION 3. In the event any clause, phrase, provision, sentence, or part of this Order or the rules adopted hereby or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Order, or the rules adopted hereby, in whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional, and the Board of Directors of The Woodlands Township hereby declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 4. It is further found, determined and declared that notice of hearing concerning the adoption of the foregoing rules and notice of this meeting of the Board of Directors have been published, given and posted as required by law, and that this meeting has been open to the public, as required by law.

PASSED, APPROVED, AND ADOPTED this 26th day of March, 2008.


Chairman, Board of Directors


Secretary, Board of Directors

(SEAL)

